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## **OLR Bill Analysis**

### **HB 5300**

#### ***AN ACT CONCERNING NURSING HOME NOTIFICATIONS.***

##### **SUMMARY:**

This bill requires the Public Health Department (DPH) commissioner to prepare a written application form for changes in nursing home ownership that includes a specific statement notifying the potential nursing home licensee or owner that he or she may be held criminally liable for abuse or neglect of a resident by a nursing home employee.

It specifies that the statement does not expand or otherwise affect any existing legal liability of nursing home owners or licensees for the neglect or abuse of residents. It applies to:

1. nursing home licensees, owners, or officers, including directors, trustees, limited partners, managing partners, general partners, or anyone having at least a 10% ownership interest in the nursing home or the entity that owns it and
2. administrators, assistant administrators, medical directors, nursing directors, or assistant nursing directors.

EFFECTIVE DATE: October 1, 2014

##### **REQUIRED NOTICE**

The bill requires the following statement to be placed on the first page of the application:

“NOTICE: The State of Connecticut values the quality of care provided to all of our residents. Please know that any nursing home licensee, owner or officer, including, but not limited to, a director, trustee, limited partner, managing partner, general partner or any person having at least a ten percent ownership interest in the

nursing home or the entity that owns the nursing home, and any administrator, assistant administrator, medical director, director of nursing or assistant director of nursing, may be subject to civil and criminal liability, as well as administrative sanctions under applicable federal and state law, for the abuse or neglect of a resident of the nursing home perpetrated by an employee of the nursing home.”

## **BACKGROUND**

### ***DPH Applications for Nursing Home Ownership Changes***

By law, DPH must approve changes in nursing home ownership. The prospective owner’s or licensee’s written application must include whether the potential nursing home licensee or owner (1) has had civil penalties for nursing home violations imposed by DPH or another state during any two-year period or (2) received intermediate Medicare or Medicaid sanctions or had provider agreements for these programs terminated or not renewed. The law prohibits the DPH commissioner from approving an application to acquire a nursing home for a five-year period if any of these conditions are present, unless good cause is shown (CGS § 19a-528a).

### ***Evaluation Period for New Licensees***

If a person has not previously operated a nursing home in Connecticut, DPH can institute an “evaluation period” of up to five years from the time of initial licensure in order to assess the standard of care the nursing home provides. During this evaluation period, the person is prohibited from acquiring any additional nursing homes (CGS § 19a-493a).

## **COMMITTEE ACTION**

Aging Committee

Joint Favorable

Yea    12    Nay    0    (03/11/2014)